

SENATE BILL 997
By Norris

AN ACT to amend Tennessee Code Annotated, Section 50-6-102,
relative to the definition of the terms "injury" and "disease".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-102(12), is amended by
deleting the item in its entirety and substituting the following:

(12)

(A) "Occupational injury" means an injury which arises out of and
in the course of the particular trade, occupation, process, or employment
in which the employee is exposed to such injury and which meets the
following elements:

(i) A direct casual connection exists between the conditions
under which the work is performed and the injury;

(ii) The injury arose as a natural incident of exposure by
reason of the employment and is substantiated by an
overwhelming preponderance of the evidence;

(iii) The injury is of such character that the employee would not have had substantial exposure to the injury outside of the employment;

(iv) The injury must have originated from a risk connected with distinctive conditions of the employee's particular employment and that risk was the proximate cause of the injury; and

(v) The objective medical evidence supporting the occupational injury must be based on reliable scientific principles sufficiently established in the medical community to have gained general acceptance.

(B) "Occupational disease" means a disease or infection which arises out of and in the course of the particular trade, occupation, process, or employment in which the employee is exposed to such disease and which meets the following elements:

(i) A direct casual connection exists between the conditions under which the work is performed and the disease;

(ii) The disease arose as a natural incident of exposure by reason of the employment and is substantiated by an overwhelming preponderance of the evidence;

(iii) The disease is of such character that the employee would not have had substantial exposure to the disease outside of the employment;

(iv) The disease is not an ordinary disease of life to which the general public is exposed;

(v) The disease must have originated from a risk connected with distinctive conditions of the employee's particular

employment and that risk was the proximate cause of the disease;
and

(vi) The objective medical evidence supporting the occupational disease must be based on reliable scientific principles sufficiently established in the medical community to have gained general acceptance.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.